

REMARKS

I. Status of the Claims

Claims 14-34, and 36-38 have been amended and claim 35 has been canceled without prejudice or disclaimer. Upon entering this amendment, claims 14-34, and 36-38 will be pending. Support for these new claims can be found in the as filed specification and drawings. Therefore, no issue of new matter is raised. Accordingly, Applicants respectfully request examination of this application and timely allowance of the pending claims. Applicants would like to thank the Examiner for removing the rejection under 35 U.S.C. § 112, first paragraph.

II. Rejections Under 35 U.S.C. § 103

The Examiner has rejected under 35 U.S.C. § 103(a) (1) claims 14, 17-19, and 35-38 as being unpatentable over Voldby (U.S. Patent No. 5,584,376) in view of Myron (U.S. Patent No. 4,164,338); (2) claims 15, 16, 23-31 as being unpatentable over Voldby and Myron as applied to claim 14, and further in view of McWilliams (U.S. Patent No. 3,885,682); (3) claims 21 and 22 as being unpatentable over Voldby and Myron as applied to claim 17, and further in view of Kornylak UPC; (4) claim 20 as being unpatentable over Voldby and Myron as applied to claim 17 above, and further in view of Mastracci et al. (U.S. 3,524,558)("Mastracci"); and (4) claims 32-34 as being unpatentable over Voldby, Myron, and McWilliams as applied to claim 15, and further in view of Mastracci. Office Action at pages 2-6. Applicant respectfully traverses this rejection.

Applicant respectfully submits that the Examiner has failed to meet his initial burden of proof for setting forth a prima facie case of obviousness. The Examiner has

not made the requisite showing, as is required by M.P.E.P. § 2142, (1) that the prior art references teach all the claim limitations; or (2) that there is some suggestion or motivation to modify the references or to combine the reference teachings

As an initial matter, Applicant respectfully reiterates its assertion that the use of the Kornylak UPC reference as prior art is improper for the reasons of record. See Response filed May 2, 2005 at pages 13-14.

Even if the Kornylak UPC reference was properly established as prior art, the Examiner still can not meet his initial burden of proof for setting forth a prima facie case of obviousness. None of the cited references disclose or suggest, as is required by the amended claims, a ground vehicle comprising a chassis supported by wheels, a tiltable ramp connected to said chassis, and said chassis having a compartment for receiving a portion of a segmented conveyor, said segmented conveyor being at least partially supported by said tiltable ramp.

Mastracci is the only cited reference that teaches a ground vehicle comprising a chassis supported by wheels, but Mastracci does not, nor do any of the other cited references, teach a chassis having a compartment for receiving a portion of a segmented conveyor.

Additionally, the Examiner has not shown a proper motivation to combine the references. The Federal Circuit has held that "[t]he factual inquiry whether to combine references must be thorough and searching. It must be based on objective evidence in the record." *In re Lee*, 277 F.3d 1338, 1343 (Fed. Cir. 2002). The Court further held that "[t]he examiner's conclusory statements . . . do not adequately address the issue of

motivation to combine. This factual question is material to patentability, and could not be resolved on subjective belief and unknown authority.” *Id.* at 1343-44.

The Examiner states that it would have been obvious to one of ordinary skill in the art (1) to provide the device taught by Voldby and Myron with the tilting mechanism taught by Mastracci in order to allow the device to load and unload aircraft compartments of differing heights, Office Action at page 5; and (2) to provide the device taught by Voldby with a tailgate as taught by [Mastracci]¹, Office Action at page 6. The Examiner, however, cites no objective evidence why one skilled in the art would choose the cargo loading device of Mastracci from the myriad of existing conveyors available.

Moreover, the vehicle taught by Mastracci is not physically capable of storing any of its conveyors “in a folded configuration wherein at least a portion of said conveyor is positioned over at least one other portion of said conveyor,” as is required by the claims. Mastracci teaches a conveyor assembly (32) in alignment with and immediately adjacent to a left main conveyor (26) (Fig. 3). Mastracci at col.3, lines 3-5. Combining the references would require a significant reconstruction of the vehicle taught by Mastracci and significantly change its principle of operation. The M.P.E.P. makes clear that any such proposed modification is impermissible. M.P.E.P. § 2143.01, Part VI. (“If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.”)

¹ Although the text of the Office Action states “a tailgate as taught by **McWilliams**,” Applicant assumes that the Examiner intended to mention **Mastracci** here as the preceding paragraph discusses how Mastracci teaches a tailgate being used to handle cargo.

Finally, Myron does not even relate to a ground vehicle as do the other cited references and the present invention, but instead teaches a non-extendable conveyor equipment which provides for the movement of cargo *inside* an aircraft. See Myron Abstract.

Accordingly, for at least these reasons and the reasons of record, Applicant submits that all the claims are patentable over the cited prior art and, therefore, in condition for allowance.

IV. Conclusion

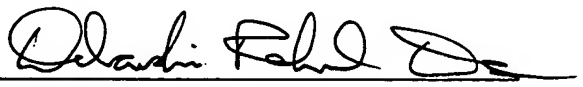
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: 
Debarshi Rahul Das
Reg. No. 55,100